

**Raymond Planning Board Minutes
February 03, 2011**

Approved 02/10/2011

Place: Raymond High School; Media Center
Call to Order: 7:00 p.m.

Members Present: Jonathan Wood, Chairman; Carolyn Matthews, Vice Chairman; Doug Vogel, Secretary; Bill Hoitt, Board of Selectmen Ex-officio; Gretchen Gott; Bill Cantwell; Don Hedman, Alternate.

Members Absent: Jim Kent

Staff Present: Ernest Cartier Creveling, Community Development Director; Robert Price, Planning Technician.

Pledge of Allegiance

Approval of Minutes

Members Sitting for Approval of Minutes: Jonathan Wood; Carolyn Matthews; Doug Vogel; Bill Hoitt; Gretchen Gott; Bill Cantwell; Don Hedman.

MOTION: Mr. Cantwell made a motion, seconded by Mr. Hoitt, to approve the minutes of January 13, 2011 as amended. The motion carried with a unanimous vote of 7-0-0.

Mr. Wood polled the Board to determine if the Board should go into Non-Public session under RSA 91-A:3(II)(c) in order to review the non-public session minutes of January 13, 2011.

In accordance with RSA 91-A:3(II)(b), the Planning Board polled each member individually. The results were as follows:

POLL RESULTS

Question: Should the Planning Board enter Non-Public Session under RSA 91-A:3(II)(c), ?

Ms. Gott – Yes

Mr. Hoitt – Yes

Mr. Cantwell – Yes

Mr. Hedman – Yes

Ms. Matthews – Yes

Mr. Vogel – Yes

Mr. Wood – Yes

As a result of the poll, the Planning Board went into Non-Public Session.

Upon exiting Non-Public Session, the following motion was made:

MOTION: Ms. Matthews made a motion, seconded by Mr. Cantwell to approve the January 13, 2011 non-public session minutes as amended, and to keep them sealed until further notice. The motion carried with a unanimous vote of 7-0-0.

Public Hearing – Raymond Sand & Gravel Site Plan

Continued from 01/06/2011; Application #2010-014 – An application for site plan review has been submitted by Jones & Beach Engineers, Inc. on behalf of Raymond Sand & Gravel, LLC. The applicant proposes to crush, transport and sell stone, gravel and rock from the site; no new excavation is being

proposed within Raymond. The applicant received a variance from the Raymond Zoning Board of Adjustment on June 08, 2005 granting permission to crush only on-site material in a C.1 zone. That variance was amended November 10, 2010 allowing the applicant permission to import and crush material from the Candia side of the property. The property is shown on Raymond Tax Map 37, Lot 10; 321 NH Route 27.

Members Sitting for this Hearing: Jonathan Wood; Carolyn Matthews; Doug Vogel; Bill Hoitt; Gretchen Gott; Bill Cantwell; Don Hedman.

Applicants/Agents Present: Kevin Cole, Jr. of Raymond Sand & Gravel, LLC and Joe Coronati of Jones & Beach Engineers, Inc.

Abutters/Public Present: Richard Snow, Town of Candia Board of Selectmen.

Mr. Cartier Creveling stated when the applicant was before the Zoning Board of Adjustment in November 2010, they informed the ZBA that they had all the necessary permissions in place, and were in compliance with the Town of Candia's regulations. The ZBA issued a variance to the applicant with several conditions, one of which being:

The applicant shall obtain and be in compliance with all excavation permits and/or other approvals required by the Towns of Raymond and Candia, and comply with all applicable Federal, State and Local Regulations.

Mr. Cartier Creveling stated at the last hearing, Mr. Snow attended and distributed to the Planning Board a packet of documents outlining how the applicant is not in compliance with the Town of Candia. He stated he spoke to legal counsel, which advised him to inform the applicant that the Board will likely deny the application due to the compliance issue in Candia, which was done via certified mail, email and a phone call. He stated at this time, staff has not been presented anything to refute the evidence from the Town of Candia indicating the applicant is not in compliance.

Mr. Cartier Creveling stated staff met with the applicant and with their engineer, Joe Coronati of Jones & Beach, in an attempt to work things out. Mr. Cole, Sr. asked how he could be allowed to crush the material already on the ground while a site plan is worked on. Mr. Cartier Creveling noted legal counsel's response was to have the applicant apply for an excavation permit, because that is an excavation activity. He noted the applicant has since submitted an excavation permit application, but stressed that is independent of the hearing open tonight.

Mr. Wood read a letter dated January 05, 2011 written to Cheryl Eastman, Selectman's Assistant with the Town of Candia from Barton Mayer of the Upton & Hatfield Law Firm, into the record. A copy of this letter is attached to the original set of minutes on file with the Town Clerk.

Mr. Wood asked if Mr. Snow had anything to add. Mr. Snow asked if the Board had ever considered holding a joint hearing with another Town. He stated to him, it seems the applicant's next step would be to approach the Town of Candia Planning Board, and added it might make sense to get both Town's Planning Boards together at one time. Mr. Cantwell expressed concern with this idea, stating it may seem like a good idea, but there are two different jurisdictions and two different sets of regulations in play. He stated he would rather the Candia Planning Board be invited, but not to participate in a joint hearing.

Mr. Wood asked if the site plan application is complete for review. Mr. Cartier Creveling stated it cannot be considered complete until the applicant provides written correspondence indicating they are in compliance with the Town of Candia.

Ms. Gott asked if there is any legal responsibility of any board or liability to the Town if it is later discovered that a variance was granted based on faulty information provided by an applicant. Mr. Wood stated the conditions placed by the ZBA require the applicant to be in compliance before the variance can be utilized.

Mr. Coronati stated the applicant was surprised by the letter written to Ms. Eastman. He added the applicant disagrees heavily with some of the items presented in that letter. He stated part of the letter indicates that Lots 66 and 71 in Candia need to be reclaimed. However, the approved reclamation plan requires some excavation to take place. He stated issues such as this need to be resolved between the applicant and the Town of Candia.

Mr. Coronati stated another comment in the letter refers to illegal excavation on lot 66. He stated he needs more time to look into these and other issues presented in the letter before moving forward. He stated he is seeking more time from the Raymond Planning Board to resolve the issues with the Town of Candia, before coming back to the Raymond Planning Board.

Mr. Wood stated the application has not been accepted, so when the applicant is ready to proceed, then let staff know. He added that the next hearing will require fill notification.

Mr. Wood closed the hearing at this time.

Other Business – Legal Counsel

Members Sitting for this Discussion: Jonathan Wood; Carolyn Matthews; Doug Vogel; Bill Hoitt; Gretchen Gott; Bill Cantwell; Don Hedman.

Mr. Wood stated the Board needs to make a motion regarding a change in legal firms.

MOTION: Ms. Matthews made a motion, seconded by Ms. Gott, that the Planning Board discontinues its relationship with Donahue, Tucker & Ciandella and transition to Mitchell Municipal Group as the Board's legal counsel, effective immediately. The motion carried with a unanimous vote of 7-0-0.

Other Business – Staff Update

Members Sitting for this Discussion: Jonathan Wood; Carolyn Matthews; Doug Vogel; Bill Hoitt; Gretchen Gott; Bill Cantwell; Don Hedman.

Mr. Cartier Creveling reminded everyone that the Town's Deliberative Session is February 05, 2011. He noted there is a chance the zoning articles will not be discussed, as has been the case in the past, but he will be in attendance just in case.

Adjournment

MOTION: Mr. Vogel made a motion, seconded by Mr. Cantwell, to adjourn. The motion carried with a unanimous vote of 7-0-0. The meeting adjourned at approximately 7:53 p.m.

**Raymond Planning Board Minutes
February 03, 2011**

Approved 02/10/2011

Respectfully submitted,

Robert Price
Planning Technician